



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,834	06/01/2004	John C. Leisner	ITW7510.079	3833
33647	7590	08/23/2006	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)			SHAW, CLIFFORD C	
14135 NORTH CEDARBURG ROAD				
MEQUON, WI 53097			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/709,834		LEISNER ET AL.	
	Examiner		Art Unit	
	Clifford C. Shaw		1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1025</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 1-2 of claim 31, there is no antecedent basis for “the means for illuminating”, making it unclear what the scope of the claim is.

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.) Claims 1, 2, 5-7, 9, 10, 13, 14, 18, 20-22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,118,186). Figures 1, 5, and 39 and the discussion at columns 9-13 and at column 49 in the patent to Scott et al. (6,118,186) disclose an engine driven welder with features claimed, including: engine 14; mechanical to electrical power conversion at 16; and accessory power output at element 534 in figure 5 or 39. The claims differ from the system of Scott et al. (6,118,186) in calling for uniform power output at various operating speeds of the engine. This difference does not patentably distinguish over the prior art. The system of

Art Unit: 1725

Scott et al. (6,118,186) is designed to provide auxiliary power during the welding process, and the dc voltage fed into the inverters of Scott et al. (6,118,186) is regulated to be constant (see for example, column 10, line 56-column 11, line 10). Since the input to the inverters in Scott et al. (6,118,186) is regulated to be constant, it is considered obvious that the output of the inverters will be uniform as claimed, thereby satisfying the claims.

5.) Claims 8, 11, 12, 15, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,118,186) as applied to claims 1, 2, 5-7, 9, 10, 13, 14, 18, 20-22, and 27 above, and further in view of Yamada et al. (6,975,042). The only aspects of the claims to which the rejection above does not apply are the limitations directed to a battery cooperating with other aspects of the engine-driven welder. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the system of Scott et al. (6,118,186) with battery arrangements as claimed, the motivation being the teachings of Yamada et al. (6,975,042) that such are useful in an engine-driven welder (see figure 14 and the discussion at column 4, lines 30-45 and at columns 9-10 in Yamada et al. (6,975,042)).

6.) Claims 3, 4, 17, 25, 26, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,118,186) as applied to claims 1, 2, 5-7, 9, 10, 13, 14, 18, 20-22, and 27 above, and further in view of Takeda et al. (5,936,320). The only aspect of the claims to which the rejection above does not apply is the provision for particular loads at the accessory output. This difference does not patentably distinguish over the prior art. At the time applicant's

Art Unit: 1725

invention was made, it would have been obvious to have used the auxiliary power outputs of Scott et al. (6,118,186) for any conventional loads. In particular, it would have been obvious to have used these outputs for machining and illumination loads, the motivation being the teachings of Takeda et al. (5,936,320) that such loads are suitable for a welding power source having auxiliary power outputs (see column 12, lines 50-55 in Takeda et al. (5,936,320)), thereby satisfying the claims.

7.) Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,118,186) as applied to claims 1, 2, 5-7, 9, 10, 13, 14, 18, 20-22, and 27 above, and further in view of Wasko et al. (2,898,542). The only aspect of the claims to which the rejection above does not apply is the limitation associated with applying additional auxiliary power signals. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the system of Scott et al. (6,118,186) with additional auxiliary power outputs as claimed, the motivation being the teachings of Wasko et al. (2,898,542) that multiple auxiliary outputs on a welding power supply are useful (see figure 9, elements 92, 94, 36, and the discussion at column 4, lines 65-73 in Wasko et al. (2,898,542)).

8.) Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (6,118,186) taken with Yamada et al. (6,975,042) as applied to claim 15 above, and further in view of Wasko et al. (2,898,542). The only aspect of the claims to which the rejection above does not apply is the limitation associated with applying additional auxiliary power signals. This

Art Unit: 1725

difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the system of Scott et al. (6,118,186) with additional auxiliary power outputs as claimed, the motivation being the teachings of Wasko et al. (2,898,542) that multiple auxiliary outputs on a welding power supply are useful (see figure 9, elements 92, 94, 36, and the discussion at column 4, lines 65-73 in Wasko et al. (2,898,542)).

9.) The patents to Hoyt, Jr. et al. (4,465,920), Migdal (5,606,244), and Beeson et al. (6,674,179) are cited to show prior art engine driven welding power supplies that include auxiliary power outputs.


Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 1725

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Clifford C Shaw
Primary Examiner
Art Unit 1725

August 21, 2006